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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,840	09/30/2003	Gunnar Dietrich	09069-US	6908

7590

04/07/2005

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EXAMINER

HOPKINS, ROBERT A

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,840	Applicant(s) DIETRICH, GUNNAR	
	Examiner Robert A. Hopkins	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9-30-03</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mattei(4581988).

Mattei teaches in combination of a closed compartment(cab 40) associated with an air circulation system including at least one blower(1) associated with an air duct(enclosure of figure 2) for effecting a flow of air between an inlet located exteriorly of the compartment and an outlet located interiorly of the compartment, with the flow passing through at least one filter element(34,35), and at least one interior compartment sensor(13) for detecting the degree of contamination of the air and being coupled to a control arrangement, the improvement comprising the control arrangement including a memory, a performance map of the normal operation of the air circulation system being stored in the memory and containing information indicating a pre-determined decrease over time of the degree of contamination of the air by a known airborne contaminant, the control arrangement including a comparing circuit(column 9 lines 36-46) for comparing the actual degree of contamination of the air over time with values contained in the map(U in stage 60 in figure 7), and for issuing a warning signal(alarm 56) upon finding a deviation from the values contained in the map. Mattei further teaches

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wherein the interior compartment sensor is a particle sensor. Mattei further teaches wherein the airborne contaminant is one of toxic particles. Mattei further teaches wherein the interior compartment sensor is capable of detecting particles whose size amounts to a size down to the order of magnitude of 0.3 to 3 microns. Mattei further teaches wherein the at least one filter element is a fresh air filter element. Mattei further teaches wherein the at least one filter element contains an activated charcoal filter(column 7 line 1). Mattei further teaches wherein the blower is a variable speed blower capable of producing a higher pressure in the compartment than exists outside the compartment. Mattei further teaches a pressure sensor(31) located in the compartment and coupled to the control arrangement, sends a signal thereto representative of the sensed pressure, the control arrangement having stored in its memory a value representing a predetermined minimum pressure value which is compared with the sensed pressure, and the control arrangement being coupled to the blower and being operable when the sensed pressure is less than the minimum pressure for causing the speed of the blower to be increased(column 8 lines 30-41, lines 50-62).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mattei(4581988) taken together with Ammann et al(6040777).

Mattei teaches all of the limitations of claim 9 but is silent as to wherein the at least one filter element is provided with a coding element which permits an identification of the filter element and is coupled to the control arrangement. Ammann et al teaches a filter element(not shown), and a coding element(memory fields 4 and 5), wherein the coding element permits an identification of the filter element and is coupled to the control arrangement(column 4 lines 36-57). It would have been obvious to someone of ordinary skill in the art at the time of the invention to provide a coding element in combination with the filter element of Mattei to determine when the total operating time of a filter has exceeded the preset maximum stored time value(column 5 lines 36-52).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Japanese reference(4-190824) discloses comparing a signal from a memory device and a correction device to judge a contamination degree of air, and operating a blower on the basis of the signal outputted from the comparing means.

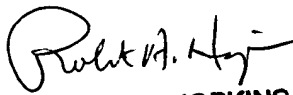
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rah
March 30, 2005


ROBERT A. HOPKINS
PRIMARY EXAMINER
Au. 1724